APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,535	01/18/2001	Daniel S. Kwoh	41592/WWM/K296	1407

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EXAMINER
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ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.		Applicant(s)
Office Action Summary	09/765,535		KWOH, DANIEL S.
	Examiner		Art Unit
	Alexander Kalinowski		3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-13 and 17-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, the instant claims fail to recite the use of any type of technology (e.g. computer system) within the recited steps of the claimed method of calculating travel costs for a user. The recited steps constitute an idea on how to calculate travel costs including discounted fares.

Mere intended or nominal use of a component, albeit within the technological

arts, does not confer statutory subject matter to an otherwise abstract idea if the

component does not apply, involve, use, or advance the underlying process.

Additionally, for a claimed invention to be statutory, the claimed invention must

produce a useful, concrete, and tangible result. In the present case the claimed method

recites steps for calculating travel costs.

Although the claimed invention produces a useful, concrete and tangible result, since

the claimed invention as a whole is not within the technological arts, as explained

above, claims 1-13 and 17-20 are deemed to be directed to non statutory subject

matter.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-10 and 12-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Iyengar et al., Pat. No. 6,360,205 (hereinafter Iyengar) in view of Jafri

et al., Pat no. 5,832,454 (hereinafter Jafri).

As to claim 1. Iyengar discloses An electronic method for calculating travel costs

for a user (see abstract) comprising:

an information request step, wherein the user is prompted to enter desired travel

product information for a plurality of travel products (see Fig. 7, Fig. 8, Fig. 23 and Fig.

24);

an information receipt step, wherein the desired travel product information is received

from a user (Fig. 7, Fig. 8, Fig. 23 and Fig. 24);

a calculation step, wherein the received information is used to search and to determine

the cost of the desired travel products (col. 9, lines 36-44); and

a reporting step, wherein the cost of each travel product is reported to the user (Fig. 24);

a prompting step wherein the user is prompted to request alternative travel product

information (i.e. perform another search)(Fig. 10); and

an alternative travel request receipt step wherein a user request to receive alternative

travel product information is received (Fig. 10).

a second calculating step wherein a discount information is accessed to determine

alternative travel products to offer the user (Fig. 10, (col. 9, lines 36-44)); and

an alternative travel reporting step wherein alternative travel products are reported to

the user (col. 11, lines 27-34).

> Iyengar does not disclose
>
> calculating travel costs using received information from databases.

However, Jafri discloses calculating travel costs using received information from

databases (col. 3, lines 44-52). It would have been obvious to one of ordinary skill in the

art at the time of Applicant's invention to include calculating travel costs using received

information from databases as disclosed by Jafri within Iyengar for the motivation of

providing greater speed and ease of use when generating travel itineraries for

customers (col. 1, lines 40-65).

As to claim 2, Iyengar discloses An electronic method for calculating travel costs of claim 1 wherein the reporting step and the alternative travel reporting steps comprise displaying a range of prices for each travel product based upon availability of products from different product providers; and displaying a total price range for all of the requested travel products (Fig. 10).

As to claim 3. Iyengar discloses An electronic method for calculating travel costs of claim 2 wherein the information request step further comprises prompting a user to select an airline departure date, a departure location, a destination location (see Fig. 8).

As to claim 4, Iyengar does not explicitly disclose An electronic method for calculating travel costs of claim 3 wherein the information request step further comprises prompting a user to select a hotel location and a number of nights to reside at the hotel.

However, Jafri discloses wherein the information request step further comprises prompting a user to select a hotel location and a number of nights to reside at the hotel (col. 2, lines 55-60 and line 66 – col. 4, line 3). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the information request step further comprises prompting a user to select a hotel location and a number of nights to reside at the hotel as disclosed by Jafri within Iyengar for the motivation of providing greater speed and ease of use when generating travel itineraries for customers (col. 1, lines 40-65).

As to claim 5, Iyengar does not explicitly disclose An electronic method for calculating travel costs of claim 4 wherein the information request step further comprises prompting a user to select a rental car location and a number of days a rental car will be rented.

However, Jafri discloses wherein the information request step further comprises prompting a user to select a rental car location and a number of days a rental car will be rented (col. 2, lines 55-60 and line 66 – col. 4, line 3). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the information request step further comprises prompting a user to select a rental car location and a number of days a rental car will be rented as disclosed by Jafri within Iyengar for the motivation of providing greater speed and ease of use when generating travel itineraries for customers (col. 1, lines 40-65).

As to claim 6, Iyengar dies not explicitly disclose An electronic method for calculating travel costs of claim 5 wherein as part of the calculation step, the received duration of time between the airplane departure date and the airplane return date is used to determine the number of nights to reside at the hotel and the number of days a rental car will be rented.

However, Jafri discloses wherein as part of the calculation step, the received duration of time between the airplane departure date and the airplane return date is used to determine the number of nights to reside at the hotel and the number of days a rental car will be rented (col. 2, lines 55-60 and line 66 – col. 4, line 3). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein as part of the calculation step, the received duration of time between the airplane departure date and the airplane return date is used to determine the number of nights to reside at the hotel and the number of days a rental car will be rented as disclosed by Jafri within Iyengar for the motivation of providing greater speed and ease of use when generating travel itineraries for customers (col. 1, lines 40-65).

As to claim 7, Iyengar does not explicitly disclose An electronic method for calculating travel costs of claim 6 wherein as part of the calculation step, the airplane destination city is used to determine the hotel location and the rental car location.

However, Jafri discloses wherein as part of the calculation step, the airplane destination city is used to determine the hotel location and the rental car location (col. 2, lines 55-60 and line 66 – col. 4, line 3). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein as part of the calculation step, the airplane destination city is used to determine the hotel location and the rental car location as disclosed by Jafri within Iyengar for the motivation of providing greater speed and ease of use when generating travel itineraries for customers (col. 1, lines 40-65).

As to claim 8, Iyengar discloses An electronic method for calculating travel costs of claim 5 wherein alternative travel products are found by altering at least one of the group consisting of the departure flight city, the departure flight date, the destination city, the return flight date, the number of nights of hotel rental, the type of hotel rented, the number of days of car rental, and the type of car rented to conform to the requirements of at least one discount in the discount database (see Fig. 10).

As to claim 9, Iyengar discloses an electronic method for calculating travel costs of claim 8 further comprising a prompting step wherein a user is prompted to purchase travel products (Fig. 10).

As to claim 10, Iyengar discloses An electronic method for calculating travel costs of claim 9 further comprising:

a personal information prompting step wherein the user is prompted to enter personal information (Fig. 5, Fig. 6);

a personal information receiving step wherein personal information is received from a user (Fig. 5, Fig. 6);

a payment information prompting step wherein the user is prompted to enter payment information (col. 8, lines 9-24);

a payment information receiving step wherein payment information is received from a user (col. 8, lines 9-24); and

a reservation step wherein travel product providers of the purchased products are contacted, reservations are made, and travel products purchased (col. 8, lines 9-24).

As to claim 12-20, the claims are substantially similar in scope to claims 1-10 and are rejected on the same basis.

5.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iyengar and Jafri as applied to claim 10 above, and further in view of Delorme et al., Pat. No. 5,948,040 (hereinafter DeLorme).

As to claim 11, Iyengar and Jafri do not explicitly disclose An electronic method for calculating travel costs of claim 10 wherein the information request step further comprises prompting a user to select at least one of the group consisting of a cruise departure date, a cruise departure location, a cruise destination location, a cruise return date, a cruise provider, a cruise ship, a cruise name, and a cruise passenger class.

However, DeLorme discloses wherein the information request step further comprises prompting a user to select at least one of the group consisting of a cruise departure date, a cruise departure location, a cruise destination location, a cruise return date, a cruise provider, a cruise ship, a cruise name, and a cruise passenger class (see

Fig. 6 and col. 52, lines 23-42). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the information request step further comprises prompting a user to select at least one of the group consisting of a cruise departure date, a cruise departure location, a cruise destination location, a cruise return date, a cruise provider, a cruise ship, a cruise name, and a cruise passenger class disclosed by DeLorme within Iyengar and Jafri for the motivation of providing a system with complete integration of travel/activity required by a user (col. 6, lines 47-54).

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

      a.   Pat. No. 6,609,658 discloses a system for using traveler cards to provide travel services.

      b.   Pat No. 6,574,607 discloses computer based on line commerce.

      c.   "Travelocity.com ..." discloses web based best fare finder.

      d.   "Web link ..." discloses on line computer reservations.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

    If any attempt to reached the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax

telephone number for this group is (703) 305-7687 (for official communications including

After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal

Drive, Arlington, VA, 7th Floor, receptionist.

Alexander Kalinowski

Primary Examiner

Art Unit 3626

12/9/03